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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,091	08/21/2001	Bernardus Hendrikus Wilhelmus Hendriks	NL000662	9250

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,091

Applicant(s)

HENDRIKS ET AL.

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Drawings

1. The drawings are objected to because reference number 26 shown in Fig. 2 is inconsistent with what is described in the specification and shown in Fig. 1. It should be 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino

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acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike (US 6,134,055).

Regarding claim 1, see Figs. 1-23 of Koike which show an optical element (see Fig.3) for interacting with a first radiation beam having a first wavelength (650 nm) and a second radiation beam having a second wavelength (780 nm) and introducing a first wavefront deviation in the first radiation beam and a second wavefront deviation in the second radiation beam, the optical element having a surface comprising a phase structure in the form of annular areas and the areas forming a non-periodic pattern of optical paths of different length (see Figs. 3 and 4), the optical paths for the first wavelength forming the first wavefront deviation and the optical paths of the second wavelength forming a second wavefront deviation, and the difference between the first and second wavefront deviation is proportional to the difference between the first and second wavelengths (see respective of disclosure of Figs 3A-7B for details).

Regarding claims 2-6, see respective of disclosure of Figs 3A-7B for details.

Regarding claim 9, see the rejection applied to claim 1 above and see Fig. 1.

4. Claims 1, 7, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Muramatsu (US 6,067,283).

Regarding claim 1, see Figs. 1-5 of Muramatsu which show an optical element (see hologram 14) for interacting with a first radiation beam having a first wavelength (635 nm) and a second radiation beam having a second wavelength (785 nm) and introducing a first wavefront deviation in the first radiation beam and a second wavefront deviation in the second radiation beam, the optical element having a surface comprising a phase structure in the form of annular areas and the areas forming a non-periodic pattern of optical paths of different length (see Figs. 5a-5c), the optical paths for the first wavelength forming the first wavefront deviation and the optical paths of the second wavelength forming a second wavefront deviation, and the difference between the first and second wavefront deviation is proportional to the difference between the first and second wavelengths (see respective of disclosure of Figs 1-5 for details).

Regarding claims 7 and 8 see hologram 14 and objective lens 15.

Regarding claim 9, see the rejection applied to claim 1 above and see Fig. 1.

5. Claims 1, 2, 4-6, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo et al. (US 6,639,889).

Regarding claim 1, see Figs. 2A-6 of Yoo et al. which show an optical element (see lens 20) for interacting with a first radiation beam having a first wavelength (650 nm) and a second radiation beam having a second wavelength (780 nm) and introducing a first wavefront deviation in the first radiation beam and a second wavefront deviation in the second radiation beam, the

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optical element having a surface comprising a phase structure in the form of annular areas and the areas forming a non-periodic pattern of optical paths of different length (see Figs. 2A-5), the optical paths for the first wavelength forming the first wavefront deviation and the optical paths of the second wavelength forming a second wavefront deviation, and the difference between the first and second wavefront deviation is proportional to the difference between the first and second wavelengths (see respective of disclosure of Figs 2A-5 for details).

Regarding claims 2, 4, 5 and 6, see respective of disclosure of Figs 2A-5 for details.

Regarding claim 9, see the rejection applied to claim 1 above and see Fig. 6.

Regarding claim 10, see circuit 120 in Fig. 12.

Cited References

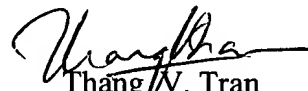
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical apparatus having an optical element or lens for correcting aberrations generated in light beams.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang V. Tran
Primary Examiner
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